

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

ORLANDO NEGRONI BERRIOS
MARILUZ CRUZ SANCHEZ

DEBTOR

CASE NO 11-07046-MCF

CHAPTER 13

**MOTION AND NOTICE OF FILING OF POST-CONFIRMATION
MODIFICATION OF CHAPTER 13 PLAN**

TO THE HONORABLE COURT:

COME NOW, ORLANDO NEGRONI BERRIOS and MARILUZ CRUZ SANCHEZ, debtors in the above captioned case through the undersigned attorney, and very respectfully state and pray as follows:

1. The debtors are hereby submitting a Post-confirmation Modification of Chapter 13 Plan, dated December 16, 2013, herewith and attached to this motion.

2. This Post-confirmation Modification of Chapter 13 Plan is filed to change to 48 month the lump sum payment.

WHEREFORE it is respectfully requested to this Honorable Court that the request for post confirmation modification of confirmed payment plan be accepted and that debtors be allowed to continue making their payments as stated in the modified payment plan.

NOTICE IS HEREBY GIVEN TO PARTIES IN INTEREST THAT THEY HAVE TWENTYONE (21) DAYS TO OBJECT THE PROPOSED MODIFICATION OF THE CHAPTER 13 PLAN AND REQUEST A HEARING. ABSENT GOOD CAUSE UNTIMELY OBJECTIONS SHALL BE DENIED.

CERTIFICATE OF SERVICE: I hereby certify that the foregoing motion has been filed with the Clerk of the court using the CM/ECF system that will electronically notify parties in interest and to Chapter 13 Trustee, José R. Carrión-Morales, Esq., US Trustee Office. Non CM/ECF participants that are interested parties will be notified by regular US Postal Service.

RESPECTFULLY SUBMITTED.

In Cayey, Puerto Rico this 16th day of December, 2013.

/s/Miriam A. Murphy-Lightbourn
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICOIN RE: ORLANDO NEGRONI BERRIOS
MARILUZ CRUZ SANCHEZ
DEBTOR(S)

BK. CASE # 11-07046-MCF

CHAPTER 13

CHAPTER 13 PAYMENT PLAN

NOTICE: • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan. • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:
☒ directly ☐ by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.
 2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
☐ 3. The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED: December 16, 2013

☐ PRE ☒ POST-CONFIRMATION☐ AMENDED PLAN DATED:FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED CREDITOR

I. PAYMENT PLAN SCHEDULE

\$ 500	x	13	= \$	6,500
\$ 600	x	11	= \$	6,600
\$ 700	x	12	= \$	8,400
\$ 800	x	12	= \$	9,600
\$ 900	x	12	= \$	10,800
TOTAL = 60			\$	41,900

Additional Payments:
 \$ 13,000 to be paid as a LUMP SUM
 within 48 month with proceeds to come from

☐ Sale of property identified as follows:☒ Other: REFINANCE OF PROPERTY

Periodic Payments to be made other than and in addition to the above.
 \$ _____ x _____ = \$ _____ 0

To be made on: _____

PROPOSED PLAN BASE: \$ 54,900

II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

a. Rule 2016(b) Statement: \$ 3,000
 b. Fees Paid (Pre-Petition): (\$ 326)
 c. R 2016 Outstanding balance: \$ 2,674
 d. Post Petition Additional Fees: \$ 350
 e. Total Compensation: \$ 3,350

Signed: Isidoro Negroni Berrios
 DEBTOR ORLANDO NEGRONI BERRIOS
Mariluz Cruz Sanchez
 JOINT DEBTOR MARILUZ CRUZ SANCHEZ

III. DISBURSEMENT SCHEDULE SEQUENCE

A. SECURED CLAIMS: ☐ Debtor represents that there are no secured claims.☒ Secured creditors will retain their liens and shall be paid as follows:

☒ ADEQUATE PROTECTION Payments: Cr. FIRST BANK \$ 206
☒ Trustee will pay secured ARREARS:

Cr. BPPR	Cr. BPPR	Cr. BPPR	Cr. BPPR
Acct. 3476	Acct. 3443	Acct. 3476	Acct. 3443
\$ 2,085.02	\$ 15,325.08	\$ 1,457.93	\$ 15,344.06

☐ Trustee will pay REGULAR MONTHLY PAYMENTS:
 (please refer to the above related notice, for important information about this provision)

Cr. _____	Cr. _____	Cr. _____
Acct. _____	Acct. _____	Acct. _____
Monthly Pymt.\$ _____	Monthly Pymt.\$ _____	Monthly Pymt.\$ _____

☒ Trustee will pay IN FULL Secured Claims:

Cr. FIRST BANK	Cr. _____	Cr. _____
\$ 12,056.49	\$ _____	\$ _____

☐ Trustee will pay VALUE OF COLLATERAL:

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☒ Secured Creditor's interest will be insured. INSURANCE POLICY will be paid through plan:

Cr. FIRST BANK Ins. Co. UNIVERSAL Premium: \$ 308
 (Please indicate in "Other Provisions" the insurance coverage period)

☐ Debtor SURRENDERS COLLATERAL TO Lien Holder:

☒ Debtor will maintain REGULAR PAYMENTS DIRECTLY to:
 BANCO POPULAR

B. PRIORITIES. The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

C. UNSECURED PREFERRED: Plan ☐ Classifies ☐ Does not Classify Claims.

☐ Class A: ☐ Co-debtor Claims: ☐ Pay 100% / ☐ "Pay Ahead":
☐ Class B: ☐ Other Class: _____
☐ Cr. _____ ☐ Cr. _____ ☐ Cr. _____
 \$ _____ \$ _____ \$ _____

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$ 17,835)

☐ Will be paid 100% plus _____ % Legal Interest. ☐ Will be paid Pro-Rata from any remaining funds

OTHER PROVISIONS:

INSURANCE COVERAGE WILL BE FROM MATURITY DATE 9/28/2014 FOR A PERIOD OF 23 MONTHS @ \$44.00 PER MONTH.

DEBTOR WILL PAY 100% PLUS 6% TO UNSECURED CREDITORS.

ATTORNEY FOR DEBTOR: MIRIAM A. MURPHY LIGHTBOURN

Phone: (787) 263-2377

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